

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL HILL,

Plaintiff,

v.

JEFF LEIKAUF, et al.,

Defendants.

No. 2:23-cv-1593 AC P

ORDER

Plaintiff has requested the appointment of counsel. ECF No. 8. In support of the request, plaintiff states that he is uncertain how court proceedings work. Id. at 1. He asks if he should send in documents – presumably in support of his case – now, or wait to send them in at a later date. He also states that because this is the first time he has been in custody, he has little legal knowledge of court proceedings. Id.

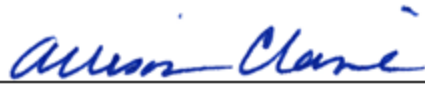
The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). Neither plaintiff's indigence, nor his lack of education, nor his lack of legal expertise warrant the appointment of counsel. See Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990); see

1 also Bashor v. Risley, 730 F.2d 1228, 1234 (9th Cir. 1984) (finding court was within its
2 discretion when it denied appointment of counsel to sixty-year-old appellant proceeding in forma
3 pauperis with no background in law who thoroughly presented issues in petition). Therefore, the
4 court does not find the required exceptional circumstances in this case, and plaintiff's request for
5 the appointment of counsel will be denied.

6 Plaintiff is informed that the court will screen his complaint in due course in order to
7 determine whether it may be served. At that time, if additional support for his complaint is
8 needed, the screening order will say so.

9 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the appointment of
10 counsel (ECF No. 8) is DENIED.

11 DATED: August 24, 2023

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13 ALLISON CLAIRE
14 UNITED STATES MAGISTRATE JUDGE
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